

REMARKS

Claims **1 – 31, 53, 54, 66 and 69** are currently pending. Claims **1 – 7, 10, 15 – 20, 22, 25, 26, 28 – 31, 53, 54, 66 and 69** stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,648,753 to Tracy et al. (“Tracy” herein). Current Office Action, pages 2 – 4. Claims **8, 9, 11 – 14, 21, 23, 24 and 27** have been objected to as being dependent upon a rejected base claim but have been indicated as being allowable if rewritten in independent form. Current Office Action, page 4.

1. **Claim Amendments**

Applicants have amended each of the claims that have been objected to such that they are now in independent form and include all limitations of any intervening claims. Accordingly, Applicants respectfully submit that claims **8, 9, 11 – 14, 21, 23, 24 and 27** are now allowable. The objected-to claims have been amended as follows:

- the feature of claim **23** has been incorporated into claim **1**; claim **23** has been cancelled;
- the features of claim **8** and claim **1** (from which claim **8** directly depends) have been incorporated into new independent claim **70** (Note: claim **8** has not been cancelled as it now depends from the amended claim **1** that now includes the allowable subject matter of claim **23**);
- the features of claim **9** and claim **1** (from which claim **9** directly depends) have been incorporated into new independent claim **71**

(Note: claim 9 has not been cancelled as it now depends from the amended claim 1 that now includes the allowable subject matter of claim 23);

- the features of claim 11 and claim 1 (from which claim 11 directly depends) have been incorporated into new independent claim 72

(Note: claim 11 has not been cancelled as it now depends from the amended claim 1 that now includes the allowable subject matter of claim 23);

- the feature of claim 12 has been incorporated into new dependent claim 73, which depends from new independent claim 72

(Note: claim 12 has not been cancelled as it now depends from the amended claim 1 that now includes the allowable subject matter of claim 23);

- the feature of claim 13 has been incorporated into new dependent claim 74, which depends from new claims 72 and 73

(Note: claim 13 has not been cancelled as it now depends from the amended claim 1 that now includes the allowable subject matter of claim 23);

- the feature of claim 14 has been incorporated into new dependent claim 75, which depends from new claim 72

(Note: claim 14 has not been cancelled as it now depends from the amended claim 1 that now includes the allowable subject matter of claim 23);

- the features of claim 21 and claim 1 (from which claim 21 directly depends) have been incorporated into new independent claim 76

(Note: claim **21** has not been cancelled as it now depends from the amended claim **1** that now includes the allowable subject matter of claim **23**);

- the features of claim **24** and claim **1** (from which claim **24** directly depends) have been incorporated into new independent claim **77**
(Note: claim **24** has not been cancelled as it now depends from the amended claim **1** that now includes the allowable subject matter of claim **23**); and
- the features of claim **27** and claim **1** (from which claim **27** directly depends) have been incorporated into new independent claim **78**
(Note: claim **27** has not been cancelled as it now depends from the amended claim **1** that now includes the allowable subject matter of claim **23**).

Independent claims **53, 54, 66 and 69** have been amended to include a feature similar to the feature of claim **23**, which the Examiner has indicated (and Applicants agree) is not taught or suggested by the references of record.

2. Applicants' comments on the §103(a) rejection

Applicants have amended the claims herein solely to expedite allowance of the pending claims. Applicants do not by these amendments imply agreement with the Examiner's interpretation of Tracy or with the propriety of the rejections of claims **1 – 31, 53, 54, 66 and 69**. Applicants intend to pursue the subject matter of claims **1 – 31, 53, 54, 66 and 69**, as pending before the amendments made herein, in a continuing application.

With respect to claims **1 – 7, 10, 15, 17 – 20, 22, 25, 26, 28, 29, 53, 54, 66 and 69** and the claimed feature of “determining a price for eligibility for a multiplier option”, Applicants respectfully submit this claimed feature does not require or imply that the price for the wager to play the multiplier game be varied. For example, the claimed feature may comprise simply retrieving a predetermined price from a memory and / or applying the same predetermined price to all requests to purchase eligibility for the multiplier option. The price may or may not be varied.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number (203) 461 - 7041 or via electronic mail at mfincham@walkerdigital.com.